

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHARLES W. EDEN,

Plaintiff,

v.

KATHY STOKER et al.,

Defendants.

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Case No. CIV-19-771-SLP

**ORDER**

Plaintiff Charles W. Eden filed this 42 U.S.C. § 1983 suit against Defendants Kathy Stoker and Terry Ingmire. *See* Compl., Doc. No. 1. Pursuant to 28 U.S.C. § 636, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation [Doc. No. 11], in which he recommended that Plaintiff's Complaint be dismissed without prejudice due to Plaintiff's failure to pay the required filing fee or to comply with the orders issued by Judge Purcell to complete his *in forma pauperis* motions. *See* R. & R., Doc. No. 11. Plaintiff thereafter filed what the Court construes as his Objection [Doc. No. 13] to the R. & R.

The Court reviews de novo those portions of the R. & R. to which Plaintiff made specific objections. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Having done so, the Court finds that Judge Purcell's R. & R. should be adopted in full. While Plaintiff provides some of the information missing from his *in forma pauperis* motions with his Objection and asserts that prison officials have prevented him from providing some of the missing information and meeting all *in forma pauperis* requirements, the fact remains that

he still has not cured all of the deficiencies in his *in forma pauperis* motions—including, importantly, at least one which should not require the involvement of prison officials. *See* Order of Sept. 16, 2019, at 1, Doc. No. 7 (indicating that Plaintiff’s “Application was missing [among other requirements] his original signature”). In this case, the record supports that Plaintiff has not attempted to cure at least those deficiencies within his control and that he has been given ample opportunity to do so; the Court therefore finds dismissal without prejudice to be appropriate. *See Cosby v. Meadors*, 351 F.3d 1324, 1331-32 (10th Cir. 2003).

Subsequent to Judge Purcell issuing his R. & R., Plaintiff filed what the Court construes to be an Amended Complaint [Doc. No. 16]. Plaintiff’s new pleading does not change the appropriateness of the disposition for this case recommended by Judge Purcell in the R. & R. because Plaintiff still has failed to either pay the required filing or provide a complete *in forma pauperis* request to the Court.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 11] is ADOPTED by the Court, and Plaintiff’s Objection thereto [Doc. No. 13] is OVERRULED.

IT IS FURTHER ORDERED that Defendant’s § 1983 claims (both as stated in his Complaint [Doc. No. 1] and in his Amended Complaint [Doc. No. 16]) are DISMISSED WITHOUT PREJUDICE. A separate judgment will be entered contemporaneous herewith.

IT IS SO ORDERED this 2<sup>nd</sup> day of December, 2019.



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**SCOTT L. PALK**  
**UNITED STATES DISTRICT JUDGE**